

REMARKS

Claims 1 – 4 were pending in the application. Claims 1 and 3 have been amended and claims 2 and 4 have been canceled. Accordingly, claims 1 and 3 are currently pending in the application and are presented for reconsideration and reexamination in view of the following remarks.

In the Office Action, claims 1 and 3 have been rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite; and claims 2 and 4 were objected as being dependent upon a rejected base claim.

By this Amendment, claims 1 and 3 have been amended to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph by incorporating features of objected claims 2 and 4.

It is therefore respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Rejection under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejected claims 1 and 3 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that the predetermined relational expression is not defined in the independent claims.

Response

Reconsideration and withdrawal of the rejection are respectfully requested.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Independent claims 1 and 3 have been amended to define "the predetermined relational expression" as $(Q+2R)/3$, a feature previously recited in allowable claims 2 and 4, respectively.

It is respectfully submitted that all of the claims now particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Accordingly, Applicants respectfully request that the rejection of claims 1 and 3 under 35 U.S.C. § 112, 2nd paragraph be withdrawn.

Allowable Subject Matter

Claims 2 and 4 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response

As claims 2 and 4 have been canceled and features therefrom have been incorporated in claims 1 and 3, Applicants respectfully request that the objection be withdrawn.


CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned attorney.

Respectfully submitted,
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February 20, 2007

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